

REMARKS

Amendment summary

Claims 1 and 3 are amended to state that the recited noble metal is in a metallic state.

Support for this amendment may be found at least, e.g., from page 5, line 19 to page 6, line 3 of the present specification.

Page 6 of the Preliminary Amendment filed June 23, 2006, which contained claims 19-23, was inadvertently omitted from the Preliminary Amendment. Applicants have therefore re-submitted claims 19-23. Support for claim 19 may be found at least, e.g., in page 10, lines 19-22 of the present specification. Support for claim 20 may be found at least, e.g., in page 10, lines 23-25 of the present specification. Support for claim 21 may be found at least, e.g., in page 11, line 2 of the present specification. Support for claim 22 may be found at least, e.g., in page 3, lines 12-14 of the present specification. Support for claim 23 may be found at least, e.g., in page 3, lines 15-17 of the present specification.

In addition, printing errors introduced in claims 2 and 4 by the Preliminary Amendment have been corrected, and thus claims 2 and 4, which were never indicated as being amended, are now present in their original form.

Claim 6 is amended for grammatical purposes.

Claim 18 is amended to remove multiple dependency.

Claims 33 and 35 are amended for grammatical purposes.

No new matter is added by this Amendment, and Applicants respectfully submit that entry of this Amendment is proper.

Status of the claims

The claims have been objected to because of their numbering. In addition, claim 6 has been objected to for a grammatical error. Claims 2 and 4 have been rejected under 35 U.S.C. § 112 as allegedly being indefinite because they included the character “□.” In addition, claims 1-2, 5-9, 12-13, and 16 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Inoue et al. (JP 09245771) (hereinafter “Inoue”). Claims 3-4, 24-25, 28-29, 32, 34, and 36 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue. Further, claims 10-11, 14-15, 26-27, and 30-31 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue in view of Ikeda et al. (EP 1,231,654) (hereinafter “Ikeda”). Finally, claims 17, 22, and 35 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue in view of Takada et al. (U.S. Patent Application Publication No. 2004/0166409) (hereinafter “Takada”).

Response to claim objections

The claims have been objected to because of their numbering. In addition, claim 6 has been objected to for a grammatical error. Applicants note that the claims inadvertently omitted by the missing page in the Preliminary Amendment have been added, and thus the numbering of the present claims is correct. In addition, the grammatical error in claim 6 has been amended. Applicants therefore respectfully submit that the claim objections have been overcome.

Response to rejection under 35 U.S.C. § 112

Claims 2 and 4 have been rejected under 35 U.S.C. § 112 as allegedly being indefinite because they included the character “□.” Applicants note that a printing error in the Preliminary

Amendment altered the symbols in claims 2 and 4 to □. The present Amendment shows the claims in their original form, which do not include the □ symbol. Accordingly, the reconsideration and withdrawal of this rejection is respectfully requested.

Response to rejections based on Inoue

Claims 1-2, 5-9, 12-13, and 16 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Inoue. In addition, claims 3-4, 24-25, 28-29, 32, 34, and 36 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue. Further, claims 10-11, 14-15, 26-27, and 30-31 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue in view of Ikeda. Finally, claims 17, 22, and 35 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue in view of Takada.

Applicants respectfully traverse on the grounds that Inoue does not disclose or suggest that the noble metal therein is in the metallic state. The remaining references do not remedy this deficiency in Inoue.

Independent claim 1 recites an anode material for a secondary battery which is used for an anode in a non-aqueous electrolyte secondary battery having at least the anode, a cathode and a lithium-ion conducting non-aqueous electrolyte, comprising an Si oxide and at least one noble metal in a metallic state. Independent claim 3 recites an anode material for a secondary battery which is used for an anode in a non-aqueous electrolyte secondary battery having at least the anode, a cathode and a lithium-ion conducting non-aqueous electrolyte, comprising a lithium silicate and at least one noble metal in a metallic state.

The presently claimed invention can provide a secondary battery exhibiting a higher charge/discharge efficiency in initial charge/discharge, a higher energy density, and excellent cycle properties, as noted on page 4, lines 18-20 of the present specification.

Applicants respectfully traverse the above rejections because Inoue fails to disclose or suggest that the presently recited noble metal is in a metallic state. Instead, the materials disclosed in Inoue include a noble metal as one constituent element of a composite oxide. In other words, the noble metal is present in an **oxidation** state, not in a **metallic** state. Inoue does not disclose or suggest a noble metal in a metallic state. A person having ordinary skill in the art would not be led to select a material which includes Ag metal rather than SiAgO_{1.5}. Accordingly, Inoue fails to disclose or suggest to a person having ordinary skill in the art the presently claimed invention.

In addition, none of the other cited references remedy the above deficiency in Inoue.

Applicants therefore respectfully submit that the presently claimed invention is not anticipated or rendered obvious by the cited references, and respectfully request the reconsideration and withdrawal of the rejections.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

Date: June 14, 2010

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